App. F. IX-4

PRESERVED
193 5.
(prisons)

File No. 69-35-
Serial Nos. 7 (Index

Previous References

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for May 1936

SUBJECT.

Release of long-term prisoners as a "Reformatory Influence"

Recorded

Pris 9-35-7

EXTRACTS

..... A perusal of the records of such cases shows that less than 10% of the boys have been arrested. Ramachandra and Pillaipelli Odders. Further by, 8 of these Vodars, C.T.W.Nos. 44,48,49,54,55,59,64 and 109 have been traced and captured as the perpetrators of these offences and it is to be hoped that they will receive deterrent sentences. Such sentences, it has been noted, have not always been awarded to hardened criminals as will be mentioned below, but in two of the cases of burglary referred to, at least one Woddar has been put up under Section 24 Criminal Tribes Regulation, a section which is hardly, if ever, used in the State and it is to be hoped that the full rigour of the law will be exercised in his case.

-Do- Mulabagal Taluk Police Station by the Inspector General of Police on 20th July, 1935

..... In Cr.No.43, a Woddar, Venkataraman, of Bowringpet Taluk was convicted: he was also convicted in Cr.No.49 which was discovered, though unreported, during the investigation of Cr.No.43. He got a year in each case. In Cr.No.54 a gang of five persons, three of Kolar and two of Srinivasapur Taluk were charged. The leader was notorious K.D.Daniga. He received a sentence of [illegible] with 3 years Police surveillance while three of his associates got 6 months each. A Dr. [illegible] of which he has served [illegible] Police surveillance, might well have been [illegible] ..... Last year [illegible] The full rigour of the law [illegible]

cases have been treated:-

No.of C.T.M.	Sentence	No.of previous convictions		
		Under C.T.R.	Under I.P.C.	Under Cr.P.C.
18	5 days	5	2	5
18	5 months	6	-	-
26	2½ "	5	3	-
5	Rs.25/- or 15 days	-	-	-
26	2 months	5	3	2
236	7 days	2	1	-
236	1 month S.I.	3	1	-
227	15 days	-	-	-
21	7 days	2	1	-

4. The working of the Regulation was changed not long ag the application of Section 10 being substituted for Sectio 12 with the idea of making the members responsible for reporting themselves to the Police rather by having the Police discover the absence of members, possibly long aft it occurred. The maximum sentence that may be inflicted for a first offence of absence is 6 months and for a subsequent offence a year. It will be seen that in no instance even for a 5th or 6th offence has the maximum punishment awardable for a first offence ever been administered. As a natural consequence the members who are hardened criminals and not mere casual offencers and whose absences may generally be taken to yield profitable returns, have little or no compunction in goin O.V. when they are aware that a brief seclusion is all th they need fear. It has to be said that the Police have shown commendable activity in checking the absences of these criminals, but it can hardly be urged that the Magistracy has realised its responsibility in the matter. Perhaps it is thought that mere absence from ones villa is no very heinous offence: but were it known that the members of this tribe travel throughout the length and breadth of India and Burma perpetrating offences durin

these apparently innocent excursions away from the surveill
of the Police, possibly a different view might be taken in t
matter.

otes of Inspection of the owringpet Taluk Police tation b, the I.G.P. on 9th July, 1935

..... Cr.No.11/34-35 was against 4 Pichaiguntas and a Vokkaliga of whom the last had 6 previous convictions. All the accused were sentenced to 3 months: though Section 1 had been quoted in the charge sheet, It is said that the Magistrate did not wait for proof of previous convictions before ordering sentence.

Notes of inspection of the Chikballapur Police Station by the I.G.P. on

The following instance of the criminal history of a hardened offender is given as by no means untypical of the w old offenders are dealt with and, one might almost say, encouraged in their career of crime.

S.No.of Conviction	Year	Section	Sentence	Court	Officer responsible
1	24-25	380	7 days	Bench,Chikballapur	
2	Do	Do	2 months	S.M.Chittur	
3	25-26	Do	8 "	Bench, Bangalore	
4	26-27	Do	6 "	1st Cl.Magte.	
5	27-28	379	15 days	Bench,Mysore	...
6	Do	Do	3 months	Do Do	
7	28-29	Do	3 months	Do Do	
8	Do	Do	6 months	1st Cl.Magte.Bangalore	
9.	30-31	Do	1 month	Bench, Bangalore	
10	32-33	..	6 months	Bench.Bangalore	
11	33-34	379	6 months	1st Cl.Magte.B.City	

In the last case the sentence was reduced on appeal : It is not clear when, save in S.No.8, Section 75 was applied but it must have been seldom. The man appeared in Mysore in his third year after graduatting and was hauled up for the fourth time, n attempt being made to ascertain whether he was a previous offen But worse was to follow: the same year he was again run in in t same place and again escape with an entirely inadequate sentenc owing evidently to his previous history not being traced. A yea

or so later, taking advantage of the leniency with which he had been treated in Mysore, he again committed an offence there, ag escapting with only three months for his seventh offenc On his release he remained in Bangalore and the sameyear was run in again. This time Section 75 was actually quoted but tha fact sufficed only to get him six months. Two years later he wa again operating in Bangalore and must have been treated as an unknown person since he was given only 1 month. Naturally he tried his luck again in that city in the following year and mus have felt he was ill-treated in being given as much as 6 months Still that did not stop his career: the next year he was again convicted in Bangalore and this time got the longest sentence o his happy career - 9 months. We may quite well expect to hear o him again

Notes of inspection of Chintamani Station by the I.G.P.

Most of the thefts were of a petty nature so far as the amount of property stolen was concerned and may reflect the hardness of the times, but old offenders are all too frequentl concerned and it appears to me essential that such criminals should be adequately dealt with for the offence they commit an not treated with excessive leniency because the value of the property was small. An instance if afforded by crime No.96 in which an old offender stole a rope. He had 3 previous convictions, one in 21-22 for which he got 15 days, another in 25-26 in which he was awarded 6 months with a year under Police surveillance, and the third in 29-30 for which he was sentenced to a year's imprisonment and 2 years under Police surveillance. In the face of these convictions he was awarded a week's imprisonment in the present case.

Cr.No.74 reveals matter on interest in the way of sentenc The offender stole tamarind and was caught in the act by the owner whom he assaulted: he was fined Rs.7/- for the theft and Rs.25 for the assault.

In Cr.No.110 the offender had two previous convictions one in Mysore and the other in Pilar. In the present case, after Charge had been framed against him by the Second Magistrate, Kolar, he was released on bail and very naturally absconded and has not since been traced.

lotes of inspection of :umkur District Police)ffice.

A perusal of the records of these criminals goes to show t Section 24 of the Criminal Tribes Regulation is a dead letter. The history sheet of C.T. Dodda Venkata provides evidence of thi There is little use our being furnished with a weapon of the kind this regulation supplies if we do not urge Courts to make use of it.

COPY

For Inspector General of Police.

(File No.Pris.16-34 Pls. 16,19-24, 26+27 F
D.No.6279/34 Re: Release of Doddamalliah.)

xx xx xx

88. Perused and returned with compliments and thanks.

89. I must express my regret for having kept the papers for some days. They disclose important considerations of which I was previously unaware.

90. So far as Doddamalliah's case goes, it is clear that two Sub Inspectors of Police, reporting at an interval of two years, have given almost directly contrary accounts of the state of feeling in the village. It is difficult to account for such a complete reversal of opinion except on some such supposition as that one faction was preponderant at the time of the first enquiry and the opposite faction at the time of the second. It is remarkable that, on the latter occasion, no statements were taken from the two witnesses who had previously stated that their lives would be in danger if the prisoner were released. Kariappa, the ex-patel of Mudimadu village, who promoted the prosecution, and is probably the head of one faction, asked for time, and is said to have failed to appear at the adjourned enquiry. Vobanaika, the man who is now living with the woman Akkamma, over whom the murder took place, and Akkamma herself, were not examined.

91. What is perhaps still more remarkable is that the District Superintendent of Police and the District Magistrate have no comment to make on these widely discrepant statements and appear to contemplate with equanimity the return to their midst of a notorious rowdy with no visible means of subsistence, when conditions very similar to those which lead to the previous murder are still obtaining in the village.

92. To turn to more general considerations, I would vent to suggest that the present policy in regard to the working of the remission rules represents a half-way house between two policies, and has some of the unsatisfactory features of all half measures.

93. The old policy, which is sometimes described as vindictive, regarded the court as a physician whose business was to purge those who are morally sick by drastic doses of punitive medicine. The maximum doses prescribed for typical offences by the pharmacopoeia, which perhaps dates back to Macaulay, were as follows:-

Section.	Offence	Punishment under the I.P.C.
302	Murder	Death (With transportation for life as a minimum).
395	Dacoity	Transportation for 1
392	Robbery	10 years
363	Kidnapping	7 years
379	Theft	3 years
465	Forgery	2 years
417	Cheating	1 year
143	Being a member of an unlawful assembly	6 months
186	Obstructing a public servant in discharge of his public functions.	3 months.

94. The policy of the future/can only guess at. Perhaps we the court's function will cease with determining whether the accused person is guilty or not, and it will then be for a psychologist or psychiatrist to make the punishment fit, not the crime, but the criminal, and after a careful study of his psychology and environment to combine with the purge of punishment a dose of physical, moral and mental tonics which will amend his character and fit him afresh for the battle of life

95. Meanwhile the half-way policy of remission has no medicine but the purge,* but provides that, if the sick man responds to a good number of doses of this in the sterilis atmosphere of the hospital, that is the jail, it may be assum that his character is changed, and that the Court's, or Code's, prescription for him is altogether too drastic. The following table repeats that of the maximum dozes given above and shows the extent to which they may be reduced if every concession available is given:-

*I understand that education in the three Rs is provided, but that it is optional.

Offence	Maximum Punishment under I.P.C.	Term of imprisonment which may earn release.
Murder	Death	
Murder	Transportation for life	9 years
Robbery	Rigorous imprisonment for 10 years.	6 years and 8 mo.
Kidnapping	Imprisonment of either description for 7 yrs.	4 years & 8 mont.
Theft	Imprisonment of either description for 3 years.	2 years & 3 mont.
Forgery	Imprisonment of either description for 2 years.	1 year & 6 month
Cheating	Imprisonment of either description for 1 year	10 months & 12 d.
Being a member of an unlawful assembly.	Imprisonment of either description for 6 months	5 months & 6 da.
Obstructing a public servant in discharge of his public functions.	Imprisonment of either description for 3 months.	3 months.

96. It may be said that remission does not imply final cancellation of a sentence, and that release on probation, (or, more properly, parole) really means a period of convalescence. If that line should be taken, I would venture to say in the first instance that the analogy is not complete. Convalescence after a weakening illness in the hospital is generally arranged for in a bracing climate away from infecti and the patient is only allowed to return to his normal conditions of life after he has built up his strength under these conditions. In the case of the prisoner, however, who has lived, as I have said, in a sterilized atmosphere in jail and who is probably completely out of touch with the way in which he made living before hand, there is no period of convalescence like this, but he is returned straight to the centre of infection with every pore fully open to it, and no certainty of occupation to keep him away from it.

97. But there seems to be very much serious objection than this. In European countries parole officers are common salaried officers, and release on parole means that a very

considerable amount of control is maintained, coupled with a good deal of help in obtaining employment or otherwise. So far does this go that in a recent publication it is suggested that no prisoners should be released on parole until the parole officer has found him employment to which he can go. In Mysore, on the other hand, the prisoner is frequently released first and the parole officer appointed afterwards, if at all. So far as the records go there is nothing to show in two-thirds of the cases that parole officers were ever appointed at all. In other cases it is definitely stated that nobody will accept responsibility. Of 21 persons who have done so one is a Representative Assembly member, two are Municipal Vice-Presidents, and four private gentlemen. The rest are Government servants, including one Accountant, two Police Inspectors, 4 Sub Registrars, two Shanbogues and five Patels. No reports from these parole officers are forthcoming. Such reports as have been made about released prisoners are all from District Magistrates. There is therefore practically nothing to prevent a prisoner on parole from relapsing into crime except the fear of his sentence being revived on a further conviction, and practically nothing except the record of convictions to show whether he has relapsed or not.

98. It is claimed that the policy has been a success because in the first three years of its working only 3 out of 28 released prisoners were again convicted and brought back. I venture to think that more evidence is necessary to substantiate this claim. The three were all habituals; the rules had only been applied to habituals for two years; and we have no evidence as to how many habituals had been released and how long they had been free by the end of the period. Having regard to the time that cases drag out, it seems likely that the three must have committed offences within a comparatively short period after release. If we consider further that a considerable proportion of the offences committed are not reported, that a considerable proportion of the offences reported are not prosecuted, and that only 9 per cent of the

persons arrested are actually convicted, then it would seem that each conviction obtained represents from 10 to 20 offences committed, and that the 3/28ths calculated might prove on further investigation to need considerable amendment.

99. There is another aspect to the question which I think deserves a little more consideration that it has received. The Police are responsible for the peace of the countryside. They often strain every nerve for years together to secure a conviction against a notorious creator of trouble. The public heave a sigh of relief when he is arrested. The judge or magistrate exercises his best abilities in determining the period of incarceration necessary, and frequently observes in his judgment that he cannot find it in his conscience to give a sentence of less than the period he fixes. Under the Remission Rules all this given the go-by. The man, as soon as he enters the jail, learns that he can secure a reduction of his sentence, if it is a long one, by five years, and if it is a short one, by 25 per cent, and practically the only matter to be taken into consideration in determining whether he has earned this reduction or not is his reaction to jail discipline. While agreeing that it would be very unsafe to refuse remission on reports such as those of the Sub Inspectors in the present case, I do venture to think that the opinion of the public and the Police is entitled to consideration and that more acequate steps should be taken to ascertain it.

100. To sum up: I would venture to suggest, firstly, that to make the system of remission complete, it is essential that the jail system should be altered so as to include much more mental and moral instruction, and to equip the prisoner so that he may be able to make a living in the normal conditions of village life when he is released.

101. Secondly, that the period of probation, or convalescence as I have termed it, would be much better spent

spent under a modified form of control, as for instance, under conditions similar to those obtaining in a settlement established for a criminal tribe.

102. Thirdly that, if the parole system is to be retained, it should be reorganised so as to ensure some real control over the movements of discharged prisoners, and that a regular system of reporting should be introduced so that there may be some data on which to determine whether the system has succeeded or not.

103. Fourthly, that more weight should be given to the opinion ~~xxthexxxxxxxx~~ of the public and the Police, and that arrangements should be made for more reliable means of securing that opinion.

Sd/- Charles Todhunter,

Private Secretary to H.H.the Maharaja of Mysore.
6-8-1935.

The General Secretary to Government.

104. Submitted for perusal.

It is for orders re: action to be taken in Dodmallaiya's case.

105. The questions raised regarding the present policy will be worked up further and submitted.

Intd.H.V.R,
9-8-35.

106. In regard to Dodmallaiya's case, the portion marked on the P.S's note (on the penultimate page) seems to show that he agrees that remission and release on probation cannot be refused in this case. The recommendation already made may therefore be accepted.

107. The other points raised run counter to the existing policy which is the same in Mysore as in British India based upon the Jails Commission's report and require further con-

consideration.

Intd.S.P.R.
10/8

3) 108. Intd.M.M.I.
10-8-35

109. Draft

Intd.N.R.J.
12/8

110. Submitted with a draft G

Intd.B.C.
13/8

111. For approval

Intd.N.R.
15/8

112. Intd.H.V.R.
15/8

113. Issue and resubmit

Intd.N.R.J.
15/8

4) 114. Submitted with reference to para 113 supra
The opinion of the I.G.of Prisons may, perhaps, be called for un-officially, on the suggestions of the Private Secretary to H.H.the Maharaja.

Intd.B.C.
17/8

5) 115.This may be treated in a separate file.

Intd.N.R.J.
17/8

23 AUG 1935 (L 47)

6) the file is separated and sent. with the above extract.
BB 23/8. C.G.

7) The I.G. of Prisons will be consulted unofficially on the proposals of Sir Charles Todhunter (Jersey) BPP 24/8

hks.

8) and also the I.G. Police D/H (later on) 27/8

~~R.C.Director~~)

9) This may now be sent to I.G. of Prisons unofficially BPP 7.9.35

No. 2434-3 Dated, 30 October 1935.

Ens: 13 & 14

11) Among the various "Reformatory Influ
introduced in Prisons, such as "Gratuities to pri
"Interviews, and letter","Libraries", " Religious
Moral instruction" and " Religious observances" e
the system of remission forms an important item.
inculcates habits of industry and is an incentive
good conduct. It is not granted mechanically but
prisoner sentenced to 6 months and more has to ea
under the various rules laid down in the Jail Man
Chapter XX. The main principles underlying the g
of remission are, industry, good conduct, help in
detection of Jail offences, helping the Jail stai
times of mutiny, success in teaching handicraft e

12) I venture to submit that the terms o
imprisonment liable to be undergone by prisoners
they are released on probation as given in Sir Ch
Todhunter's note are based on calculations taking
account every conceivable kind of remission a pri
may get under Chapter XX of the Jail Manual witho
losing any portion on account of Jail discipline.
There has not been a single case in which a prisc

n the Chapter on Remissions and not forfeited any emission by way of Jail discipline. Usually a pris ner sentenced to transportation for life has to ass 10 to 11 years in Jail before his case is eli- ible for consideration by the Standing Advisory oard.

3) The system is recognized all the world over by hose whose opinion is entitled to respect as being f great value and is in vogue in all Jails in the ivilized world. The Indian Jail Committee (1919-2 fter discussing the system in detail in Chapter XI f their report recommend its continuance with slig odifications. All the suggestions and recommendat- ons made by the above Committee have been incorpora n the Mysore Jail Manual.

The Parole System which has been discussed by he Indian Jails Committee in Chapter XXI of their eport was adopted in Mysore on the lines recommen- ed by the said Committee. Accordingly a Standing dvisory Board has been formed which meets periodi- ally to consider cases of convicts placed before hem by the Superintendent who is the Secretary of he Board. As regards each convict, the police eports giving his previous history together with he opinion of the police and that of the people of he place where he lived last and committed the crim he opinion of the District Magistrate of the Distri ere in he proposes to live after release and the port of the Superintendent as regards the convict' nduct in Jail, are placed before the Board. After- nsidering the above data and the judgment of the

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the effect the imprisonment has produced in reforming prisoner, the Board makes its recommendation to Govern who pass orders regarding conditional-release of the prisoner under section 401, Criminal Procedure Code.

15) The un-expired portion of sentence has to be passed under the observation of the Probation Officer. If he fails to fulfil the conditions of release, the Governmer cancel the remission and the man is arrested and incar- cerated in the Jail to serve out the balance of sentenc Two persons are now actually serving out the balance of their sentences in Jail for breaking the conditions of release. The system is a half way house between full liberty and incarceration and is an incentive to reform an ex-convict. I may add that this system is in vogue also in Europe and America.

16) The after care or the control of the probation Officer is probably capable of improvement at present. District Magistrates may be requested to take greater interest in the matter and select suitable probation officers who would supervise better and send up regular reports which may be reviewed by the District Committee and transmitted to the Central Discharged Prisoners' Ai Society. The Jail Committee have condemned the systemp appointing Police Officers as Probation Officers for various reasons and this practice which is sometimes resorted to in Mysore may perhaps be put a stop to.

17) A very large majority of prisoners are agricultu They are Khathedars, Shikmidars or Agricultural laboure As a rule they return to their original avocation after release.

18) The formation of a settlement for keeping the

the released prisoners during the period of their probation, to my thinking, bristles with difficulties of various kinds. The close supervision in an enclosed area would not give opportunity to the released convict to act freely and show whether reformation has been effected in his character. There would not be much difference between Jail life and that in a settlement. The same arguments that are advanced against a shrewd convict pretending good conduct in Jail to secure remission might apply in the case of his life in a settlement though in a lower degree. The slender advantages claimed for this system are out of all proportion to the enormous cost involved in maintaining the released prisoners and their families until their labour begins to pay.

19) Moreover one cannot see any justification for curtailing the liberty of the different members of a released prisoner's family by keeping them within the limits of a Settlement.

20) Although a good many prisoners are released annually by Government under Section 401 Criminal Procedure Code on the recommendation of the Board, the unexpired portion of sentence the released prisoners have to pass under probation officers is generally very small ranging from one month to 6 years, the last figure being applicable only to lifers. The number of lifers that are so released in the usual course is not more than 5 or 6 every year. In the case of others the terms are usually small and they cannot be usefully employed on any agricultural farm during a short period. It is therefore a question whether it is worth while forGovernment to undertake the expenditure and trouble for the formation of a settlement for such a small number of people, particularly when we consider the case of

Release of long term con
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of lifers, a large majority of whom are given this sentence for murder on grave and sudden provocation. They are the most well-behaved and trusted inmates of a Jail; and are not likely to repeat the offence.

21) Another point that has to be considered is that a released convict when kept in a settlement has to p in the unexpired portion of his sentence without earn any remission, whereas if he continues in Jail he wou earn remission and be entitled to release in the usua course unconditionally long before the time he would his discharge from a settlement.

22) In conclusion, I venture to submit that the syst now in vogue is working satisfactorily, and does not for any change or revision, provided that suitable an responsible gentlemen are appointed as Probation Offi by the District Magistrates, and periodical reports regarding the conduct and behaviour of the prisoners parole are insisted upon by the District Magistrates.

S. Subbarao.
Inspector General of Prisons.

GENL. & MIS. BR. NOH.
DEC. 1935
GENL. & REV. SECT.

23) Submd. with reference to para 8 as with a memo.
*9/10.

Memo

24) Forwarded with compliments to Inspector General of Police for favour of remarks.

By Order,
9/10/35
for General Secretary

C 342/35-36 Genl

File No. of 193 . | General and Revenue Secretariat

Returned with compliments:

5) When dealing with the subject of remission of sentences inflicted by Courts, it appears to me to be pertinent to enquire whether in the first instance those sentences were adequate. A volume of evidence can be produced to show that in this State sentences are in the main inadequate. The range to which sentences may extend has been quoted by Sir Charles Todhunter in Paras 93 and 95 of his note. Some enquir to my mind is necessary to discover what sentences have actually been inflicted and I desire to put forward som statistics showing how cases and criminals have been dealt with. In the year 1934-35, in 86 decided cases only 13 were convicted under Section 302 Indian Penal Code; in 5 cases the offence was reduced to 304 Indian Penal Code; in 3 to Section 326; in 8 to Section 324 read with Sections 148 and 149; in 1 to 323; 1 case was disposed of under Section 404, while in 1 the culpr was dealt with under Section 562 Criminal Procedure Cod

26) So much for murderers. As regards other offenc my Inspection Notes of Stations constantly notice the inadequacy of sentences. The Penal Code expects that habitual offenders shall be awarded enhanced sentences while the Criminal Tribes Regulation requires that minimum sentences shall be inflicted for 2nd or 3rd or further convictions. As regards the Criminal Tribes Regulation, Section 24 is, in this State, a dead letter in respect of the Indian Penal Code seldom, if ever, are old housebreakers and thieves after being repeatedl

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convicted awarded sentences of more than two years with, possibly, a sentence to notify residence to the Police for a term of years added. Such persons should be committed to Sessions for trial but this is not done firstly because the Police are apprehensive of the vagaries of juries and, secondly, of the immaculate standard of evidence required by judges: they prefer to shelter themselves under the comparative security of the decisions of First Class Magistrates.

27) I append quotations from some of my Inspection Notes and wish to express my opinion that the sentences awarded on habitual offenders are a danger to the safety of the property of citizens of the State a direct incent to the repetition of offences. There is not lacking evidence, moreover, that criminals from outside the Stat are attracted into it by the knowledge that if caught they will be more leniently dealt with within its borde than outside.

28) In the circumstances I am naturally apprehensive regarding remissions granted from terms which are in the first instance inadequate. Such remissions should be granted only when the sentence has, in view of the prisoner's history, been adequate. I see from the note of the Senior Surgeon that the opinions of Sub Inspecto sometimes hopelessly at variance- are taken in deciding

WD 03594—GPB—30,000—18-7-35

instances in which remissions should be granted. These opinions require to be investigated and checked by more responsible officers in the Police Department and in this matter I support the view expressed by Sir Charles Todhunter in Para 103 of his note.

29) In Para 101 of his note Sir Charles Todhunter advocates periods of probation being passed under conditions similar to those obtaining in a settlement established for a Criminal Tribe. There is much to be said in favour of this view as, in my opinion, the parole system in the absence of acceptable probation officers, exercises but small control over probationers. There is, however, nothing in the nature of such a settlement in the State and, as the Senior Surgeon opines the expense of establishing one has to be taken into consideration. Such a settlement might be in the form of an adjunct to the Central Jail, regulated by suitable conditions.

24/1/36

30) The system of remissions now in force cannot be altogether abolished. They are based as pointed out by the I.G. of Prisons on similar systems in force in all civilised Countries. It is being worked in Mysore

Re: Release of long term cas

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General and Revenue Secretariat — Part I — File No. — of 1935

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with due care and caution. The recommendations of even the Standing Advisory Board are not being accepted by Govt as a matter of course, but each case is examined on its merits - The adequacy or otherwise of the sentence awarded by the Court is also taken into consideration when dealing with these recommendations -

31) As regards the Complaint made by the Dy of Police regarding the inadequacy of sentences usually awarded by Courts in mysore, the point may, if approved be examined further in the Courts section and further action, if any is found necessary may be taken here -

32) Submitted for orders

Ref^ce: members orders dated 10/8/35 Supra -

Gensey) 27.1.36

The present system may perhaps continue but reasons may however be required to be considered in each case if the punishment in his opinion who adequate to the offence before sending on the recom^ns for remissi

27/1/36

First member

34) If generally agreed

31/1

Please also Examine whether the practice of granting remt is susceptible of

35) Subject with reference to para 31 supra. If approved, the file will now be sent to protection branch for taking necessary extracts about the question of inadequacy of sentence awarded, for taking further action in the matter.

PR 27/2 CB

Yes. MNP 27/2

To Protection Branch W.C.

36) Typed extracts taken & the file returned to W.C. & G.M. Branch

CBW MP

37) If approved, the G. of I. Revisions will be consulted unofficially with regard to the orders in para 34 supra.

Yes Secy 38) Yes. MNP 25/3

WW 28/3

Dept no 24347 9 1/4 36 MNP 28/3

Y forwarded with compliments to the Inspector-General of Prisons for favour of remarks

by order

Asstt Secretary

Dy. General Secretary 30/3

Typing Section W. for kindly furnishing typed extracts from pages 25 & 35 of the note.

CBW 31/3

Note 3/3/36

GENERAL BRANCH 3 MAR 1936 9/3

GENERAL BRANCH 26 MAR 1936 778

NO 294 (Pri) dated 30-8-36

Re: Long term convicts 348

General and Revenue Secretariat. | File No. | of 193 . | [App. F. III-2

No. 2434-J Genl Public 20.4.36.

40)

(1) The system of remission now in force is, as I have already explained, based on the Indian Jails Committee report (19-20) and is in my opinio not too lenient in its application, as no one prisoner can possibly earn every kind of remission permissible under the Rules.

(2) With regard to the release of prisoners on the parole system, I wish to note that I am myself the President of the Standing Advisory Board and ~~their~~ in every case the heinousness of the offence committed is taken into consideration while recommending the conditional release of the prisoner As I have already urged in this connection, it is necessary that the District Magistrates do make proper arrangements for watching the conduct of the discharged prisoners during their probationary period.

(3) It is not desirable nor possible for the Officer awarding remission or the Advisory Board to sit in judgment over the sentence awarded by a Court to a prisoner; and I presume that all the sentencing Magistrates are aware of the remission system in vogue and keep it in view while awarding the sentence.

(4) The present method of awarding remission is working satisfactorily and I am of opinion that it may continue.

S. Subba Rao

Inspector General of Prisons.

41) Forwarded. Refer para 34.

Genl Secy) 20/4

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NOTE—Contn. Sheet

Re: Long-term convicts

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42) The L.G.P's remarks are subd for perusal with reference to minute in para 34 -

43) The L.G.P. in his advisory Bd recent remissions does not wish to exercise his judgment over the adequacy of the punishment awarded by the court. This is not what is wanted of him. What is wanted is that he should not recommend remission in cases in which the reason of remission will be to treat a criminal with undue leniency. This he recognises as such in para 2 of his note.

44) Instructions in this sense may perhaps be issued.

Qud 23/4

JSRL 23/4

First Member

45) This file may be now closed as both L.G.P. & H/H.P. understand each others views - The system of remission & Good Conduct in Jail is well recognised all over as a matter of jail discipline & is not intended to be construed diminishing the effects of punishment. On the other hand, leave in Serious cases should not depend for mere Good Conduct in Jail without regard to the seriousness of the offence & other attendant

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circumstances. As the matter seems well understood by both the 4th & Dept I don't think it is necessary to issue any formal orders in the matter

JM 24/4 Lwo 25/4 MM 25/4

Dewan.

DEWAN'S OFFICE 27 APR. 1936 No. 6535

JM 27-4-36

Papers may be filed Lwo 28/4 MM 28/4

This file was wanted by the protection Branch. Hence it may be sent to that Branch for note & return. 29/4. to

Pool Br. with compliments, for note and return of this file when done with.

CJ 29/4/36